

## **[PROPOSED] ORDER GRANTING DEFENDANT'S MOTION TO COMPEL DISCOVERY**

THIS MATTER having come before the Court upon the **Motion to Compel Discovery** filed by **Defendant Jobadiah Weeks, acting pro se**, and the Court having reviewed the submissions and arguments presented therein;

### **IT IS HEREBY ORDERED that:**

#### **I. Immediate Production of Discovery**

The **United States Attorney's Office for the District of New Jersey** shall immediately produce all outstanding discovery requested by Defendant, including but not limited to:

1. **Any DOJ, BOP, and IRS records** relating to Defendant's prosecution and plea negotiations.
2. **The original and unaltered Special Agent's Report (SAR)**, including all versions, drafts, and referenced exhibits.
3. **All communications from AUSA Justin Hoxie or other government officials** regarding Defendant's interactions with co-defendants **Goettsche and Abel**.
4. **All grand jury materials** relevant to the charges against Defendant.

**If any of the requested records are withheld**, the Government shall:

- Provide a **privilege log within seven (7) days** of this Order, specifying the legal basis for each exemption.
- Submit withheld documents for **in-camera review** for judicial determination of privilege.

#### **II. Return of Unlawfully Retained Assets**

The **Government shall return all unlawfully retained assets**, including **cryptocurrency, gold, silver, and stock certificates**, **within ten (10) business days**, unless forfeiture proceedings have been properly initiated.

Failure to comply **may result in evidentiary preclusion and adverse inferences** against the Government.

#### **III. Judicial Determinations & Evidentiary Hearing**

The Court shall make a **formal judicial determination** on whether the **Government engaged in fraud, obstruction of justice, and suppression of material evidence**, including but not limited to:

- **Suppression of Exculpatory Evidence & Plea Manipulation**
  - Whether the **Government's suppression of the SAR, Brady materials, and grand jury records** impacted Defendant's ability to make an informed plea decision, warranting plea withdrawal.

- Whether the **deliberate withholding of SAR-related interviews, exhibits, and investigative records** justifies an adverse inference against the **Government**.
- Whether DOJ officials knowingly withheld evidence in **violation of Brady v. Maryland, 373 U.S. 83 (1963)**, warranting **sanctions, evidentiary preclusion, or dismissal of charges** under **United States v. Chapman, 524 F.3d 1073 (9th Cir. 2008)**.
- **Fraud on the Court & False Statements**
  - Whether the **Streamlined SAR** was **altered, fabricated, or post-dated** to justify prosecution strategies, constituting **fraud on the court** under **Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944)**.
  - Whether DOJ officials **knowingly made false statements to the Court** in violation of **18 U.S.C. § 1001 (False Statements)**.
- **Evidence Manipulation & Witness Tampering**
  - Whether the **Government deliberately placed Defendant near key witnesses (Goettsche & Abel)** without attorney consultation, violating **Defendant's Sixth Amendment right to counsel** under **United States v. Henry, 447 U.S. 264 (1980)** and **Massiah v. United States, 377 U.S. 201 (1964)**.
  - Whether the **Government's opposition to plea withdrawal (Docket Entry 399)** contained **material misrepresentations** regarding the **voluntariness of Defendant's plea**, constituting **fraud on the court**.
- **Obstruction of Justice & Selective Prosecution**
  - Whether DOJ officials **engaged in obstruction of justice** by knowingly suppressing material discovery and selectively providing evidence to the defense, in violation of **18 U.S.C. § 1519 (Obstruction of Justice)**.
  - Whether the withheld evidence **supports Defendant's selective prosecution claim**, justifying **expanded discovery** under **United States v. Armstrong, 517 U.S. 456 (1996)**.
- **Fraudulent Asset Seizure & Reporting**
  - Whether the **Crypto-Seizures Memorandum (Exhibit L)** dated **December 10, 2019** contains **fraudulent asset seizure reporting** as outlined in **Exhibit K (February 26, 2025, Letter to AUSA Torntore)**.
  - Whether the **Government unlawfully transferred seized cryptocurrency**, including **discrepancies in the unaccounted-for 4.99995661 BTC transaction**, which may constitute **evidence tampering**.

#### **IV. Sanctions for Prosecutorial Misconduct**

If fraud, perjury, or prosecutorial misconduct is established, the Court shall impose the following sanctions:

1. **Preclusion of key Government evidence** related to plea negotiations, tax calculations, and cryptocurrency seizures.
2. **An adverse inference against the prosecution** regarding witness interactions, SAR alterations, and withheld discovery.
3. **Dismissal of charges** if misconduct is deemed sufficiently egregious under **United States v. Kojayan, 8 F.3d 1315 (9th Cir. 1993)**.

## V. Additional Judicial Actions

The Court shall:

1. **Immediately refer all responsible DOJ officials** for criminal investigation under **18 U.S.C. § 1001 (False Statements)** and **18 U.S.C. § 1519 (Obstruction of Justice)**.
2. **Issue sanctions and initiate contempt proceedings** against DOJ officials who knowingly participated in:
  - The **suppression of exculpatory evidence**.
  - The **falsification of records**.
  - The **obstruction of judicial proceedings**.
3. **Determine whether DOJ officials may be subject to civil liability** under **Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971)**.

## VI. Show Cause Hearing for AUSA Anthony Torntore

AUSA Anthony Torntore shall appear for a Show Cause Hearing to explain why exculpatory evidence was withheld and whether this constitutes prosecutorial misconduct.

This hearing shall be scheduled upon conclusion of the evidentiary hearing to ensure findings are established before requiring AUSA Torntore's response.

## VII. Request for Immediate Bail Termination or Modification

Given the misconduct surrounding Defendant's pretrial treatment, Defendant requests that the Court:

1. **Terminate Bail Conditions Entirely** – The prosecution has misrepresented evidence, failed to disclose exculpatory material, and selectively enforced harsher pretrial restrictions on Defendant compared to co-defendants. Defendant requests immediate termination of all bail conditions due to these violations.
2. **Alternatively, Modify Bail Conditions** – If full termination is denied, Defendant requests a reduction of restrictive measures, including but not limited to:
  - Removal of the ankle bracelet (GPS monitoring).
  - Elimination of travel restrictions.
  - Reduction of reporting requirements.

The Court **shall immediately reconsider Defendant's bail conditions** in light of prosecutorial misconduct and due process violations and issue a ruling by March 15, 2025.

## VIII. Stay of Sentencing & Bail Ruling

1. **Sentencing shall be stayed** until:
  - **All outstanding discovery violations are resolved.**
  - **The Court has ruled on Defendant's Motion to Withdraw Plea.**
2. **The Court shall rule on Defendant's bail modification request no later than March 15, 2025, or schedule a bail hearing by March 20, 2025.**

The Court **shall immediately reconsider Defendant's bail conditions** in light of prosecutorial misconduct and due process violations and issue a ruling by March 15, 2025.

**IX. Compliance & Future Proceedings**

1. **If the Government fails to comply** with this Order, the Court shall impose additional sanctions, including:
  - **Contempt proceedings.**
  - **Evidentiary preclusion against the prosecution.**
  - **Adverse inferences against the Government.**
2. **The Court shall hold a status conference within fourteen (14) days** to ensure compliance with this Order.

IT IS SO ORDERED.

DATED: \_\_\_\_\_, 2025

**Hon. Claire C. Cecchi**  
United States District Judge